

Attachment 3

UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF OHIO

JOSEPH PONIKVAR, JR.,	)	CASE NO. 1:09CV2621
	)	
Plaintiff(s),	)	JUDGE DAN AARON POLSTER
	)	
v.	)	<u>REPORT OF PARTIES' PLANNING</u>
CITY OF CLEVELAND HEIGHTS,	)	<u>MEETING UNDER FED.R.CIV.P. 26(f)</u>
ET AL.,	)	<u>AND LR 16.3(b)(3)</u>
Defendant(s).	)	

1. Pursuant to Fed.R.Civ.P. 26(f) and LR 16.3(b)(3), a meeting was held on \_\_  
January 27, 2010, ~~200X~~, and was attended by:

Robert N. Stein, Counsel for plaintiff(s) Joseph Ponikvar, Jr.

\_\_\_\_\_, Counsel for plaintiff(s) \_\_\_\_\_

Dierdra M. Howard, Counsel for defendant(s) \_\_\_\_\_

\_\_\_\_\_, Counsel for defendant(s) \_\_\_\_\_

2. The parties:

\_\_\_\_\_ have not been required to make initial disclosures.

X \_\_\_\_\_ have exchanged the pre-discovery disclosures required by Fed.R.Civ.P. 26(a)(1)  
And the Court's prior order;

\_\_\_\_\_ Expedited X Standard \_\_\_\_\_ Complex

\_\_\_\_\_ Administrative \_\_\_\_\_ Mass Tort

4. This case is suitable for one or more of the following Alternative Dispute Resolution (ADR) mechanisms:

\_\_\_\_\_ Early Neutral Evaluation                      \_\_\_\_\_ Mediation                      \_\_\_\_\_ Arbitration

\_\_\_\_\_ Summary Jury Trial                      \_\_\_\_\_ Summary Bench Trial

XX Case not suitable for ADR at this time per defendants.

5. The parties \_\_\_\_\_ ~~do~~ \_\_\_\_\_ do not consent to the jurisdiction of the United States Magistrate Judge pursuant to 28 U.S.C. § 636(c).

6. The parties agree that this case \_\_\_\_\_ does \_\_\_\_\_ ~~does not~~ involve electronic discovery.

7. Recommended Discovery Plan (**Counsel are reminded to review the default standard for e-discovery set forth in Appendix K to the Local Rules**):

(a) Describe the subjects on which discovery is to be sought, the nature and extent of discovery and any potential problems: Facts of the incident, recordings, videos, 911 call/ technical issues, police officer training/manuals and department guidelines, basis for confronting plaintiff.

(b) Describe anticipated e-discovery issues (i.e., what ESI is available and where it resides; ease/difficulty and cost of producing information; schedule and format of production; preservation of information; agreements about privilege or work-production protection, etc.):

Preparation and transmittal of plaintiff's video. Any communications reflecting changes in Ohio firearms laws.

(c) Describe handling of expert discovery (i.e., timetable for disclosure of names and exchange of reports, depositions): Plaintiff Expert Reports in 90 days due date May 10, 2010; Defendants expert reports due 60 days thereafter, July 8, 2010.

(d) Discovery Deadlines:

(i) Liability: June 10, 2010

(ii) Damages June 10, 2010

8. Recommended dispositive motion date: August 10, 2010

9. Recommended cut-off for amending the pleadings and/or adding additional parties: April 12, 2010

10. Recommended date for status hearing and/or final pretrial settlement conference: May 10, 2010

11. Other matters for the attention of the Court: \_\_\_\_\_

Attorney for Plaintiffs:

/s/ Robert N. Stein - 0034536

Attorney for Defendants:

/s/ Jim M. [Signature] (0079466)